

**In the
Supreme Court of Indiana**

IN THE MATTER OF)	
)	
THE HONORABLE)	
)	
KENNETH R. SCHEIBENBERGER)	Cause No. 02S00-0807-JD-396
)	
JUDGE IN THE)	
)	
ALLEN SUPERIOR COURT)	

NOTICE OF THE INSTITUTION OF FORMAL PROCEEDINGS

AND

STATEMENT OF CHARGES

The Indiana Commission on Judicial Qualifications, having found probable cause to warrant formal charges of judicial misconduct, now notifies the Honorable Kenneth R. Scheibenberger of the filing of these Charges. These Charges are brought before the Indiana Supreme Court, which, pursuant to Article 7, § 4 of the Constitution of Indiana and to Admission and Discipline Rule 25 I A, has original jurisdiction over the discipline, suspension, and removal of all judges and judicial officers of this State. The Commission charges that Judge Scheibenberger, while in office as Judge in the Allen Superior Court and while a member of the Indiana Bar, engaged in judicial misconduct as specifically charged below. Pursuant to Admission and Discipline Rule 25 VIII F, Judge Scheibenberger may file a written Answer to these Charges within twenty days of service.

BACKGROUND

On November 30, 2007, Judge Scheibenberger suspended his court session and proceeded to the courtroom of Judge Frances C. Gull, Allen Superior Court, for the purpose of observing a sentencing hearing of a defendant in Judge Gull's court. Judge Scheibenberger sat in the gallery wearing his judicial robe while the man was sentenced for a weapons violation.

As the sentencing hearing concluded, Judge Scheibenberger moved to the front of the courtroom, approached the deputy prosecutor, and created a disturbance during which he told the deputy prosecutor that the defendant was a drug dealer and declared, "Upstanding citizen, my ass!" in reference to a comment he heard during the sentencing. Judge Scheibenberger then turned to the man's parents, who were seated in the front row. He said to them, "Are you related to that piece of shit? Upstanding citizen, my ass! He'll get his!" or words to that effect.

COMMISSION CHARGES

Count I

Incorporating the facts set out above, the Commission charges that Judge Scheibenberger violated Canon 1A of the Code of Judicial Conduct which requires judges and judicial officers to uphold the integrity of the judiciary and to maintain high standards of conduct.

Count II

Incorporating the facts set out above, the Commission charges that Judge Scheibenberger violated Canon 2A of the Code of Judicial Conduct which requires judges and judicial officers to avoid impropriety at all times and to act at all times in a manner promoting the public's confidence in the integrity of the judiciary.

Count III

Incorporating the facts set out above, the Commission charges that Judge Scheibenberger committed conduct prejudicial to the administration of justice.

Count IV

Incorporating the facts set out above, the Commission charges that Judge Scheibenberger committed willful misconduct in office.

WHEREFORE, the Commission respectfully requests that, upon the filing of Judge's Answer, the Indiana Supreme Court appoint three Masters to conduct a public hearing on the charge that he committed judicial misconduct as alleged, and further prays that the Supreme Court find that Judge Scheibenberger committed misconduct and that it impose upon him the appropriate sanction.

Respectfully submitted,

DATE

Meg W. Babcock
Counsel to the Commission
Atty. No. 4107-49

DATE

Adrienne L. Meiring
Staff Attorney to the Commission
Atty. No. 18414-45

Indiana Commission on
Judicial Qualifications
30 South Meridian Street, Suite 500
Indianapolis, IN 46204
(317) 232-4706

CERTIFICATE OF SERVICE

I certify that a copy of this "Notice of the Institution of Formal Proceedings and Statement of Charges" was sent by electronic mail and by certified mail to Judge Scheibenberger at 715 South Calhoun Street, #305, Fort Wayne, IN 46802.

DATE

Meg Babcock
Counsel

Meg Babcock
Atty. No. 4107-49
Indiana Commission on
Judicial Qualifications
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Indianapolis, IN 46204
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